

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 06-CR-264

-vs-

**BALDOMERO CASTILLO,
MICHAEL CORNELIUS,**

Defendants.

ORDER

The defendants have brought a variety of motions in limine prior to the start of trial in the above-captioned case. The Court has read the objections, the government's proposed factual offering, and the government's argument and rules as follows.

First, the Court will accept the stipulation of the parties as to those objections which have been resolved in that manner.

Second, based on the government's representation, no Federal Rules of Evidence 404(b) evidence will be presented at trial.

Third, the government will not present evidence related to the defendant's probation or parole status, provided that there is a *quid pro quo* as to the government's witness, Amanda Ortega.

Fourth, the Court will allow evidence as it relates to the defendants' affiliation/membership in the Latin King Gang. This is supported by Seventh Circuit precedent for a number of reasons and, in addition is offered to disprove the defendants' theory of defense.

Fifth, the Court will allow evidence related to the government's witnesses' smell of and subsequent seizure of marijuana in the automobile and later seizure of marijuana in the subject apartment. This survives a 404(b) challenge because it falls under aegis of the "intricately related" standard. These facts are interconnected to the underlying crime, complete the picture of the case, and allow the government to counter the defendants' theory of defense.

Sixth, the Court will allow evidence of the seizure of the gun under *United States v. Hubbard*, 61 F.3d 1261 (7th Cir. 1995) and related authority.

Dated at Milwaukee, Wisconsin, this 30th day of July, 2007.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge